

AO450 (Rev. 5/85) Judgment in a Civil Case

UNITED STATES DISTRICT COURT

DISTRICT OF

NEVADA

WILLIAM KIBBY,

JUDGMENT IN A CIVIL CASE

V.

VIRGIL ROSE.

Case Number: 03:02-CV-0076-RCJ-VPC

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court finds that due to the uncertainty of Mr. Kibby's condition at 10:30 in the morning versus the late afternoon of October 13, 2000, results in a lack of absolute knowledge or certainty about whether the likelihood of surgery was increased. The Court also finds that there is insufficient evidence to show, with a preponderance of evidence, and to a reasonable medical probability that the likelihood of surgery was increased.

U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED

DEC 30 2005

CLERK, U.S. DISTRICT COURT

DEPUTY

12/30/2005

Date

LANCE S. WILSON

Clerk

(By) Deputy Clerk